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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,103	07/14/2003	Junichi Ishizuka	F-7859	5800
28107	7590	12/07/2006	EXAMINER	
JORDAN AND HAMBURG LLP			DEGHAN, QUEENIE S	
122 EAST 42ND STREET			ART UNIT	
SUITE 4000			PAPER NUMBER	
NEW YORK, NY 10168			1731	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/619,103

Applicant(s)

ISHIZUKA, JUNICHI

Examiner

Queenie Dehghan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Lens preform, end tip, intermediate member, a predetermined outer radial dimension and an opening with a predetermined radius, a platform, a center axis, and end tips with a radial outer dimension.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 5 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "said cylindrical" in line 15. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 5 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budinski et al. (6,305,194) in view of Ikeuchi et al. (JP03-146427). Budinski et al. disclose a method for molding lens by heating and compressing a lens preform between oppositely placed first and second cores (102, 104), each having an end tip comprising a compression molding surface, wherein at least one of the molding surfaces comprises depressions formed on the surfaces for transferring and molding a plurality of convex or concave elements (Fig. 5 col. 1 lines 40-49), while under vacuum (col. 7 lines 4-6). However, Budinski et al. fail to teach of an intermediate member and the positioning of the member with respect to the molding cores. Ikeuchi et al. teach an intermediate member (5) for controlling the molding of the lens preform in a direction perpendicular to a compression of the glass element (abstract, drawing 1). Furthermore, the intermediate member comprises a predetermined outer radial dimension and an opening with a predetermined radius. Additionally, the end tip of a first molding core (4c) has a radially outer dimension smaller than the radius of the opening of the

intermediate member. Also, the intermediate member is positioned on a platform formed on the end tip of a second molding core (3), such that a center of axis of the second molding core is collinear with a center of axis of the intermediate member. On the end tip of the second molding core (3) is a platform for positioning the intermediate member. Ikeuchi et al. also position the lens preform (8) and the end tip of first molding core (4) in the opening of the intermediate member, so that the end tip opposes the end tip of the second molding core and a center axis of the first molding core is collinear with the center axis of the second molding core. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the intermediate member of Ikeuchi et al. in the molding process of Budinski et al. in order to define the thickness of the lens made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budinski et al. (6,305,194) in view of Hirota (6,560,994). Budinski et al. disclose a method for molding lens by heating and compressing a lens preform between oppositely placed first and second cores (102, 104), each having an end tip comprising a compression molding surface, wherein at least one of the molding surfaces comprises depressions formed on the surfaces for transferring and molding a plurality of convex or concave elements (Fig. 5 col. 1 lines 40-49), while under vacuum (col. 7 lines 4-6). However, Budinski et al. fail to teach of an intermediate member and the positioning of the member with respect to the molding cores. In Figure 5, Hirota teaches an intermediate member (53) for controlling the thickness of the molded lens (col. 8 lines 36-43, col. 12 lines 27-34). Furthermore, the intermediate member comprises a predetermined outer

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radial dimension and an opening with a predetermined radius. Additionally, the end tip of a first molding core (51) has a radially outer dimension smaller than the radius of the opening of the intermediate member. Also, the intermediate member is positioned on end tip of a second molding core (52), such that a center of axis of the second molding core is collinear with a center of axis of the intermediate member. The second molding core has a radially outer dimension that is larger than the radius of the opening of the intermediate member and smaller than the outer radial dimension of the intermediate member so that a platform for positioning the intermediate member is formed on the end tip of the second molding core. Hirota also position the lens preform (G) and the end tip of first molding core (51) in the opening of the intermediate member, so that the end tip opposes the end tip of the second molding core and a center axis of the first molding core is collinear with the center axis of the second molding core. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the intermediate member of Hirota in the molding process of Budinski et al. in order to define the thickness of the lens made.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Queenie Dehghan whose telephone number is (571)272-8209. The examiner can normally be reached on Monday through Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Q Dehghan

  
ERIC HOGG  
PRIMARY EXAMINER